



Regular Town Council Meeting Monday, December 9, 2024 at 7:00 pm

Town Hall Council Chambers Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities To view the meeting livestream: https://cetev.capeelizabeth.org/ and push watch in the upper right hand corner Live broadcast on CETV, livestream and remote participation are offered as a convenience when the technology is available and operational in the given meeting space...

Join Zoom Meeting ID: 93645486503 Telephone (US) +1 305-224-1968

Join Zoom Meeting 1. Convening of the Meeting Town Councilor Caitlin J. Harriman

Introduction of Town Councilors and School Board Members Elected on November 5, 2024

The Town Clerk will administer the Oath of Office. Town Council Jonathan T. Sahrbeck Elizabeth K. Scifres Andrew B. Swayze

School Board Christopher H. Boniaskowski Peter Jay S. Engel Lee B. Schroeder

2. Roll Call by the Town Clerk Stephanie F. Anderson Caitlin J. Harriman Penelope A. Jordan Jonathan T. Sahrbeck Elizabeth K. Scifres Andrew B. Swayze Timothy L. Thompson Attachments: List of Selectmen/Town Council List of Town Council by Year

3. The Pledge of Allegiance to the Flag 4. Item #1-2025 Election of the Town Council Chair The 2025 Town Council held a caucus on November 14, 2024. The results of the caucus for chair and committee assignments will be voted on at this organizational/regular meeting. Draft Motion ORDERED, the Cape Elizabeth Town Council elects Penelope A. Jordan to serve as Town Council Chair for 2025. Attachments: Town Council Caucus Results 2025 11-14-2024

5. Town Council Reports and Correspondence 6. Finance Committee Report Attachments: Financial Memo November 2024 Financial Dashboard November 30, 2024 Town Revenue Report 11-30-2024 Town Expenditure Report 11-30-2024

7. Citizen Opportunity for Discussion of Items Not on the Agenda Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function...

8. Town Manager's Monthly Report Patrick W. Fox 9. Review of Draft Minutes November 13, 2024 Regular Meeting Attachments: Town Council Minutes November 13, 2024

10. Item #2-2025 Adoption of the Town Council Rules Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function...

11. Item #3-2025 Code of Ethics A review of the Code of Ethics will be included on the December 16 workshop agenda. Draft Motion ORDERED, the Cape Elizabeth Town Council approves the Code of Ethics for 2025 with the signatures of the Town Council to be placed on file. Attachments: Town Council Code of Ethics Attestation 2025 Town Council Code of Ethics Revised Eff. 04-09-2018

12. Consent Calendar Item #4-2025 - Item #16-2025 The consent calendar provides for Item #4-2025 - Item #16-2025 to be considered en bloc. Any town councilor may ask for any item to be considered separately. At the discretion of the chair, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar. Opportunity for Public Comment. Consent Agenda Item #4-2025 - Item #16-2025 Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function...

13. Item #4-2025 Appointment of the Finance Committee Draft Motion ORDERED, the Cape Elizabeth Town Council elects Elizabeth K. Scifres as Finance Committee Chair and the Council as a whole to serve as the Finance Committee.

14. Item #5-2025 Appointment of the Ordinance Committee Draft Motion ORDERED, the Cape Elizabeth Town Council elects Caitlin J. Harriman Ordinance Committee Chair and Stephanie P. Anderson and Jonathan T. Sahrbeck as members.

15. Item #6-2025 Appointment of the Appointments Committee Draft Motion ORDERED, the Cape Elizabeth Town Council elects Timothy L. Thompson Appointments Committee Chair and Elizabeth K. Scifres and Andrew B. Swayze as members.

16. Item #7-2025 Appointment to the Thomas Jordan Grants Subcommittee Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Andrew B. Swayze to serve on the Thomas Jordan Grants Subcommittee for a term to expire 12/2027. Councilors Jordan (expires 12/2025) and Harriman (expires 12/2026) also serve on the committee.

17. Item #8-2025 Appointment of a Representative to the MMA Legislative Policy Committee and Convention Delegate Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Timothy L. Thompson to serve as a Representative to the MMA Legislative Policy Committee and MMA Convention Delegate.

18. Item #9-2025 Appointment of a Representative to the ecomaine Board and Alternate Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Timothy L. Thompson to serve as a Representative to the ecomaine Board for a term to expire 12/2027 and Jay Reynolds as Alternate.

19. Item #10-2025 Appointment of a Representative to the FACTS Policy Committee Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Patrick W. Fox as a Representative to serve on the FACTS Policy Committee.

20. Item #11-2025 Appointment of a Representative to the GPCOG General Assembly and METRO Coalition Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Penelope A. Jordan to serve as a Representative to the Greater Portland Council of Governments General Assembly and METRO Coalition.

21. Item #12-2025 Appointment of the Vice Chair of the Museum at Portland Head Light Draft Motion ORDERED, the Cape Elizabeth Town Council elects Elizabeth K. Scifres to serve as Vice Chair of the Museum at Portland Head Light.

22. Item #13-2025 Appointment of a Representative to the Thomas Memorial Library Foundation Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Stephanie P. Anderson to serve as Representative to the Thomas Memorial Library Foundation

23. Item #14-2025 Appointment of a Representative to the Portland Jetport Noise Abatement Committee Draft Motion ORDERED, the Cape Elizabeth Town Council appoints Andrew B. Swayze to serve as a Representative to the Portland Jetport Noise Abatement Committee.

24. Item #15-2025 Town Council 2025 Meeting Schedule and Budget Review Schedule for FY 2026 Draft Motion ORDERED, the Cape Elizabeth Town Council approves the 2025 meeting and workshop schedule and the FY 2026 budget review schedule as presented. Changes and additions will be scheduled as deemed necessary. Attachments: Town Council Meeting Schedule 2025 Town Council Budget Review Schedule FY 2026

25. Item #16-2025 Acceptance of Gifts and Donations for 2024 Draft Motion ORDERED, the Cape Elizabeth Town Council accepts the various gifts and donations for 2024 with appreciation to all of the donors. Attachments: 2024 Gift and Donation List

26. Item #17-2025 Consider the Renewal Liquor License for The Well LLC Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. The Well LLC located at 19 Wells Road is seeking a renewal liquor license (Beer, Wine & Spirit). The State of Maine has changed to an online application and approval process. Applicants apply online to the State and then the Town is notified of the pending license. No issues or concerns have been raised by fire, police and code enforcement. Draft Motion ORDERED, the Cape Elizabeth Town Council approves the renewal liquor license (Beer, Wine & Spirit) for The Well LLC, The Well at Jordan's Farm located at 19 Wells Road as presented. Attachments: The Well LLC

27. Item #18-2025 Annual Appointments to Town Boards and Committees Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. The 2024 Appointments Committee (Councilors Gillis, Gabrielson and Jordan) is recommending the following appointments to various boards and committees. A vacancy remains on the Recycling Committee which will be readvertised in early 2025. Draft Motion ORDERED, the Cape Elizabeth Town Council approves the recommendation of the 2024 Appointments Committee to appoint residents to various boards and committees as presented. New terms are effective January 1, 2025. Attachments: 2025 Recommended Appointments 2025 Board Applications

28. Item #19-2025 Consider Conditional Municipal Approval for Blue Meadow Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. On behalf of Robert Barrett (BRKR, LLC), Mitchell & Associates has submitted a request for Conditional Municipal approval associated with the Blue Meadow development project. The proposed areas are depicted on a draft subdivision plan L-2 that was submitted with the request dated November 19, 2024. Draft Motion ORDERED, the Cape Elizabeth Town Council approves the request of Robert Barrett (BRKR, LLC) for Conditional Municipal Approval on two items relating to the Blue Meadow development project that will be submitted for acceptance at a later date. See draft subdivision plan L-2. 1. A 20-foot wide sewer easement through Open Space Area A. 2. 3.97 acres of dedicated open space. Attachments: Blue Meadow Conditional Municipal Approval

29. Item #20-2025 Consider Planning Board Recommendation Regarding Town Center Amendments Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. On August 12, 2024, the Town Council referred to the Planning Board, and referred to the Ordinance Committee following the recommendation from the Planning Board, a request by HardyPond Development Company for amendments to the Town Center Zoning District. The Planning Board voted (5-0) on November 19, 2024 to recommend the Town Center Zoning Amendments 2024 to the Town Council for consideration. Note: The Ordinance Committee will be scheduling a meeting to discuss the Planning Board recommendations. Draft Motion ORDERED, the Cape Elizabeth Town Council acknowledges receipt from the Planning Board recommendations relating to Town Center Amendments 2024. Attachments: Memo Planning Board Town Center Amendments 2024 11-27-2024 Item #132-2024 August 12, 2024

30. Vote to Remove Item #133-2024 (August 19, 2024) From the Table - Consider a Recommendation from the Conservation Committee Relating to the Disposition of Town Owned Real Estate - Map U29 Lot 40 Stephenson Street Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. Draft Motion ORDERED, the Cape Elizabeth Town Council takes Item #133-2024, Consider a Recommendation from the Conservation Committee Relating to the Disposition of Town Owned Real Estate - Map U29 Lot 40 Stephenson Street, off the table from August 19, 2024.

31. Item #133-2024 Recommendation from the Conservation Committee Regarding the Disposition of U29 Lot 40 South Street Lot Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. As a special meeting on August 19, 2024, the Town Council tabled a motion regarding the disposition of town-owned real estate, Map U29 Lot 40 South Street lot (per Assessor's records Stephenson Street). The council tabled the motion requesting further input from the Conservation Committee following the committee's recommendation (7-0) to retain the lots and keep it in its natural state. After further review the Conservation Committee voted (5-0) on November 12, 2024 that the lot be retained. See memo from the Conservation Committee dated November 20, 2024. Draft Motion ORDERED, the Cape Elizabeth Town Council retains the town-owned lot Map U29 Lot 40, Stephenson Street (South Street lot) as recommended by the Conservation Committee. Attachments: Memo Conservation Committee Disposition of South Street Lot Map U29 Lot 30 11 20 2024 Item #133-2024 August 19, 2024

32. Item #21-2025 Consider Referring Supplemental LD 2003 Amendments to the Planning Board Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. At the request of incoming Town Council Chair Penny Jordan, it is recommended the Town Council refer to the Planning Board Supplemental LD 2003 amendments to the Zoning Ordinance based on LD 2003 amendments adopted by the Town Council on November 13, 2023. See attached memo dated December 2, 2024. Draft Motion ORDERED, the Cape Elizabeth Town Council refers to the Planning Board Supplemental LD 2003 amendments to Chapter 19 Zoning Ordinance based on LD 2003 amendments adopted on November 13, 2023, as outlined in the December 2, 2024 memo. Attachments: Memo Supplemental LD 2003 Amendments 12-02-2024

33. Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. 34. Item #22-2025 Executive Session Relating to Personnel Matters Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. Draft Motion ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. §405 6. A, to discuss with the Town Manager guidance relating to employment and compensation of the recruitment of employees for vacant positions.

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chair may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons present to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chair.